

AMENDMENTS TO THE DRAWINGS

Attached hereto are four (4) replacement sheets of corrected formal drawings that comply with the provisions of 37 C.F.R. § 1.84. These replacement sheets, which depict Figures 8-11, replace the original sheets depicting Figures 8-11.

The corrected formal drawings incorporate the following drawing changes:

The drawing are labeled as “Conventional Art”.

It is respectfully requested that the corrected formal drawings be approved and made a part of the record of the above-identified application.

REMARKS

Claims 1-4 and 13 are pending in this application. Claims 1 and 3 are independent claims.

By this amendment, claims 1 and 3 are amended for clarity, and Figs. 8-11 are amended.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Drawing Corrections

Although the Office Action has not objected to the drawings, applicant has noticed that Figs. 8-11 are illustrating "Conventional Art" but fail to be labeled as so. As such, applicant respectfully points out that in amended Figures 8-11, the legend "Conventional Art" is added.

As such, Applicant respectfully requests that the corrected drawings be approved and made a part of the record of the above-identified application.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in claims 2 and 13 over the art of record. The Office Action also indicates that claims 2 and 13 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, applicant respectfully submits that all of claims 1-4 and 13 are allowable, for at least the reasons set forth below.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejections:

Claims 1, 3 and 4 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,182,527 to Nakanishi (hereafter Nakanishi).

This rejection is respectfully traversed.

Applicant respectfully submits that the claimed invention is distinguishable from the cited art, Nakanishi, for at least the following reasons:

The Examiner alleges that Nakanishi discloses a driving voltage variation means (62) that drives the switching elements (i.e., transistors in 32). Applicant respectfully disagrees with this allegation.

For example, Nakanishi merely discloses that the variable voltage sources 62 and 64 are circuits for supplying the variable source voltages VA1 and VA2 according to a control signal S60 to the terminals 100 and 102 of the pre-stage side amplifiers 32 and 34, respectively. (see Nakanishi, col. 6, lines 58-63). However, Nakanishi fails to disclose a driving voltage variation means for causing a driving voltage to follow the power source voltage so as to vary the driving voltage.

For example, in the present invention, the variable power source voltage generating circuit can vary a power source voltage of the digital amplifier so as to correspond to a variation of the output amplitude. As such, the driving voltage variation means accordingly varies a driving voltage of the switching element, such as a gate voltage of a MOSFET. In other words, when the power source voltage becomes higher, the driving voltage is also made higher. Likewise, when the power source voltage becomes lower, the driving voltage is also made lower. In this manner, in the case of NMOSFET, an on-state gate voltage is always kept higher than the source voltage so that a difference therebetween corresponds to a predetermined voltage.

Therefore, in the present invention, it is possible to minimize the driving voltage without influencing a switching operation of the switching element, whereby it is possible to reduce the power consumption of the driving circuit when an amplitude of an output is small.

Nakanishi fails to disclose causing a driving voltage to follow the power source wherein such advantages as noted above are achieved.

Furthermore, the Examiner has refused to give any patentable weight to the feature “an audio signal that has been converted into a 1-bit signal.” Applicant respectfully submits that this is improper.

For example, claim 3 clearly recites within the body of the claim that: *a digital amplifier includes a driving circuit for driving switching elements in response to an audio signal that has been converted into a 1-bit signal*. As such, this recitation is not merely apart of a preamble, but is also encompassed into the body of the claimed invention. It appears that the Examiner is improperly ignoring this feature which is clearly included in the body of claim 3 and should therefore be given patentable weight.

According to MPEP §2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Nakanishi, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that independent claims 1 and 3 are allowable over Nakanishi for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1, 3 and 4 under 35 U.S.C. §102(b) is respectfully solicited.

Conclusion

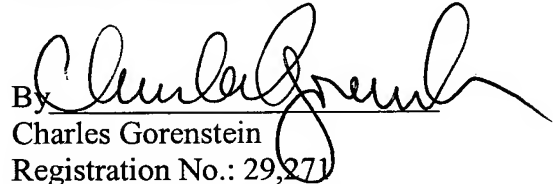
In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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Attachment(s): Four (4) replacement drawing sheets, Figs. 8-11
CG/CTB/mpe